

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Parts 73 and 74 of)
the Commission's Rules to permit)
unattended operation of broadcast)
stations and to update broadcast)
station transmitter control and)
monitoring requirements.)

MM Docket No. 94-130

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To: The Commission - Mail Stop 1170

REPLY COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. These Reply Comments are filed on behalf of the Community Broadcasters Association ("CBA") in response to initial comments filed pursuant to the Commission's Third Further Notice of Proposed Rulemaking ("Notice") in this proceeding, FCC 94-289, released December 7, 1994. CBA is the trade association of the nation's low power television ("LPTV") stations and represents the interests of the LPTV industry before the Commission and other governmental authorities. CBA did not file initial comments but wishes to express its support for the many parties who supported the Commission's proposals to allow unattended operation of broadcast stations.

2. The LPTV industry is very interested in unattended operation, as Subpart G of Part 74 of the Commission's Rules already permits unattended operation of LPTV stations except when they are originating programming.^{1/} As permitted by this rule,

^{1/} Section 73.734(a) reads in part as follows: "Attended and unattended operation. (a) In all circumstances other than during (continued...)"

many LPTV stations currently operate unattended when rebroadcasting feeds from satellites or terrestrial microwave facilities. Since almost all LPTV stations operate on more limited budgets than full power TV stations in comparable markets, LPTV operators have become knowledgeable about the use of automated equipment to save on personnel costs and increase efficiency. This saving enables them to expand their hours of operation beyond that which would be possible if duty operators had to be hired during all broadcast hours.

3. The LPTV industry has had very little problem with unattended operation^{2/} and urges the Commission to allow stations to operate without an operator present at the transmitter or a remote control point regardless of the source of the station's programming. The only requirement should be the installation of equipment that will detect a problem that poses a serious potential risk of interference to other stations.^{3/} That equipment should automatically alert a person who can act to remedy the situation within a reasonable amount of time.

1/(...continued)
local origination (see §74.701(h)), during which the operator must be in continuous attendance at the transmitter site, at a remote control point or at the program source, low power TV and TV translator stations may be operated without a licensed radio operator in attendance if the following requirements are met..."

2/ Since LPTV stations have a history of successful unattended operation, the Commission certainly should include them in any new relaxation of operator requirements that may be adopted in this proceeding.

3/ Such conditions include operation in excess of authorized power, excessive modulation, and excessive deviation from the station's assigned frequency.

4. A simple telephone call or initiation of a radio page should be all that is required of automated equipment. If the station is equipped with a system that will permit the person receiving the message to communicate with the transmitter and determine the nature problem, then the initial alert from the automated equipment should not itself have to identify the nature of the problem. It should be sufficient if the person receiving the alert can pick up a telephone, dial the transmitter site, and receive information by telephone that indicates the nature and seriousness of the problem.

5. In the case of LPTV stations, it should not matter where the alert message is delivered, as long as the person receiving the alert can shut the transmitter down remotely and can do so immediately upon determining that shut-down is necessary. LPTV stations have no minimum hours of operation; so if it is not possible for a technician to go to the transmitter site promptly, then shut down should be an acceptable approach, because it eliminates any possibility of harm to other stations.^{4/}

6. A dial-up circuit should be a sufficient means of contacting a transmitter, as the public switched telephone network ("PSTN") is extremely reliable. Dedicated telephone circuits are as likely as switched circuits to fail, and private

^{4/} The Commission will know if a station remains off the air too long and thus deprives the public of service, because Section 73.763(b) of the Rules requires notice when a station is dark for 10 days and permission to remain dark after 30 days. Thus the Commission will be aware of a situation where a licensee fails to make prompt repairs.

line service may not be restored by the local telephone company as quickly switched service. The only requirement should be that the telephone line used at the transmitter site be available at all times for transmitter control purposes.

7. Tower light observations may also be made effectively by automated equipment that detects bulb failure. Indeed, automated equipment may be more reliable than human observers, since automated equipment never forgets to look and needs only be able to report its own failure, as well as tower lighting failure, to be absolutely reliable. If a light failure is reported immediately to a responsible person, again by a dialed telephone call or a paging message, that person can notify the FAA immediately and dispatch someone to replace the bulb as soon as practicable.

8. The problem of responding to an Emergency Broadcast System ("EBS") or Emergency Alert System ("EAS") alert when a station is operating unattended is a challenging one, but it is not new to LPTV. The Commission has never clarified what LPTV stations must do to be able to respond to an alert under the present EBS system when no one is on duty at the transmitter or the station's studios.^{5/} The upcoming new EAS system may solve

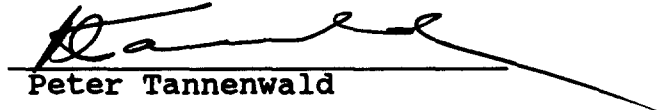
^{5/} Some LPTV licensees hire answering services or security services, which are manned 24 hours a day, to keep an EBS monitor on hand and to call any time an alert comes in. That is not an entirely satisfactory arrangement, because there may be a period of time between receipt of the alert and arrival of a person at a location from which a message may be broadcast. The answering or security service may be able to shut down the transmitter but is not always able to affirmatively transmit an emergency message to the public.

the problem, because it will be able to seize control of a broadcast transmitter in an emergency situation. However, CBA does not believe that the Commission should wait until EAS has been universally deployed before granting relief from operator requirements, because relief is needed now to enable LPTV stations to increase their hours of local programming, and full EAS deployment is scheduled to take over two years. CBA suggests that unattended operation be permitted as long as an EBS receiver is in service at a location where a human being is present, and the human being is able to shut down the broadcast transmitter promptly. The public will then know that something is wrong and will tune elsewhere to seek information.

9. The length of time allowed for remedial action should depend on the nature of the problem and the degree of deviation from the norm involved. The more likely the problem is to cause interference, the shorter the allowable time should be before automatic shut-down is required. CBA suggests that except in cases of significant frequency error or substantial excess modulation or power, a period of at least three hours be allowed for a technician to arrive at the transmitter site before shut down is required. Both in rural areas, where distances are long, and in urban areas, where traffic jams are common, it is unrealistic to demand that an operator arrive reach the transmitter site in too short a time. A minor deviation from normal standards should not require shut-down if an operator is on his or her way to the site.

10. In sum, CBA supports those who have urged the Commission to permit unattended operation of broadcast stations and urges that the Commission grant the maximum leeway to LPTV operators to implemented automated arrangements.

Respectfully submitted,


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